sentence, his punishment for escape would be one year, while a convict serving a twenty-year sentence would be punished for exactly the same offense by being imprisoned just twenty times as long. The method of determining the punishment for one confined for life, attempting to escape, is not made clear. This statute was alleged to deny equal protection to all persons charged with its violation and to be unreasonable and class legislation. To say that the long-time convict is more culpable for precisely the same behavior, is absurd. The punishment for such escape would be not upon the act of escaping a prison, but upon the act of escaping a punishment fixed by the judgment of conviction. The statute, however, makes the escape from the state prison the offense, and not the escape from the punishment of the judgment fixed by the court upon trial. In Ex parte Mallon, 102 Pacific Reporter, 374, the Idaho Supreme Court held this statute unconstitutional.

Prohibiting Seining in Vicinity of Docks.—The town of Santa Monica passed an ordinance prohibiting seining within 1,000 feet of its docks. In Ex parte Bailey, 101 Pacific Reporter, 441, the California Supreme Court thought it manifest from the terms of the ordinance that it was in no sense designed for the preservation and protection of fish for the benefit of the state. It was clearly the sole object of the ordinance to protect and add to the piscatorial advantages of the wharves, docks, and piers in the town, and to increase the fortune of the wielders of hook and line. This being the purpose of the ordinance, it was clearly beyond the power of the town to enact.

Soliciting Business by Attorney.—In Washington an attorney is prohibited from soliciting employment either directly or indirectly. A breach of these restrictions is termed barratry, for which the offender may be disbarred. Appellant in State *v.* Rossman, 101 Pacific Reporter, 357, had been charged with slander, perjury, fraud upon those employed to solicit business, and barratry. He contended that the right to practice law was a natural right guaranteed by the Constitution, and the barratry statute deprived him of his right to liberty and the pursuit of happiness in that he was forbidden to use his faculties as he chose in his vocation. The Washington Supreme Court thought the disbarment proper, remarking that the practice of law is not a constitutional right, but one granted by the state, which may surround it with reasonable restrictions.

Power of Courts to Punish for Contempt.—A Missouri statute prohibits courts from punishing contempts by fine exceeding $50 or imprisonment for more than 10 days. In Chicago, B. & Q. Ry. Co. *v.* Gildersleeve, 118 Southwestern Reporter, 86, it appeared that appellant had disregarded an injunction forbidding his traffic in partly used

railroad tickets, and had been sentenced to 15 days' imprisonment for contempt. Appellant relied on the statute, and expressed the fear that unless the statute were recognized as constitutional the courts could exercise their power to punish for contempt in an arbitrary and oppressive manner. The Missouri Supreme Court held that as the court was created by the Constitution, and had inherent power to punish for contempt, allowing the Legislature to regulate this power would be permitting the legislative body to exercise functions properly belonging to the judicial. Three judges dissented.

Excessive Advertisement of Delinquent Taxes as Libel.—The statutory duty of a tax collector was to post advertisements of overdue taxes in two or more public places within his town. The collector in Hutchins *v.* Page, 72 Atlantic Reporter, 689, actuated either by zeal extraordinary or malice deplorable, advertised the fact of Hutchins' delinquency, not only by posting it, but through two newspapers. For this latter act suit was brought against him for libel. The New Hampshire Supreme Court rules that, while it was the defendant's duty to publish the fact that the plaintiff had failed to pay the taxes assessed against him by "posting advertisements thereof in two or more public places in the town," it was not his duty to otherwise publish the fact unless he thought such publication was essential to the success of the tax sale. If he did not so believe, but, on the contrary, used this occasion to maliciously proclaim in a public manner that the plaintiff had not paid his taxes, there is neither legal nor ethical reason why an action should not lie for the damage caused by the malicious and unwarranted act. The clause of the statute providing that the collector would be liable only for his own official misconduct would not exonerate him from liability, as this conduct was "his own."

Regulation of Sale of Intoxicating Liquors.—A municipality, by its stringent restrictions upon the sale of "near beer," made the ordinance passed for that purpose obnoxious to some of its citizens, one of whom had been convicted of its violation, in Campbell *v.* City of Thomasville, 64 Southeastern Reporter, 815. The Georgia Court of Appeals, sustaining the ordinance, remarked that the very name "near beer" is as suggestive to the guardian of the police power of a necessity for close oversight, regulation, and control as it is to the drinking classes of possibilities which they may hope to find in the beverage. A liquor that is "near beer," looks like beer, smells like beer, tastes somewhat like beer, capable of cheering, though not of inebriating, well deserves the attention of those whose duty it is to protect the health, peace, and good order of the community.

Constitutionality of Building Regulations.—The act classifying